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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,919	10/12/2004	Yusuke Itakura	Q84140	4880
23373	7590	12/28/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			SMITH, TYRONE W	
			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/510,919

Applicant(s)

ITAKURA, YUSUKE

Examiner

Tyrone W. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7,10-13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7,10-13 and 15-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7, 10-13 and 15-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Omura et al (JP06-342302) in view of Takashashi et al (4321677).

Regarding Claims 7, 10, and 15-18. Omura discloses a device and method for varying control gain of an controller for a vehicle that includes a plurality of setting characteristics (4 wheel drive, steering, suspension, engine) for the vehicle (abstract; section [0055] – section [0057]); using a memory portion for memorizing set vehicle characteristics (abstract; Figure 2 items 22 and 23) and selecting vehicle characteristics from vehicle characteristic memory portion (abstract; Figure 2 item 21; section [0055] – section [0081]) where the control units (Figure 2 items 30-36 and 21) for controlling the vehicle characteristic including a default memory portion for memorizing a default characteristic set upon production (abstract; section [0079] – section [0081]); a setting characteristic determining portion for determining whether or not setting of the vehicle characteristic setting portion is valid (section [0079] – section [0082]) and a selection switch which is changed over by the setting characteristic determining portion (section [0079] – section [0082]). Further, the setting characteristic determining portion transmit the setting data of the vehicle characteristic to the control unit and when the setting characteristic determining portion determines that the setting is invalid the selection switch being changed over to transmit the memory data in the default characteristic

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memory portion to the control unit (abstract; section [0079] – section [0082]). However, Omura does not disclose a setting characteristic determining means or similar that determines that the vehicle characteristic is invalid and a selection switch enables the default characteristic in the default characteristic memory portion for the control unit.

Takashashi discloses anti-skid control device that includes a setting characteristic determining means (abstract; column 7 lines 21-32) that determines that the vehicle characteristic is invalid and a selection switch or switching (column 8 lines 19-23) that enables the default characteristic in the default characteristic memory portion (abstract; column 6 lines 9-64; column 7 lines 10-20) for the control unit (abstract).

It would have been obvious to one of ordinary skill in the art at the time of invention to use Omura's a device and method for varying control gain of an controller for a vehicle with Takashashi's anti-skid control device. The advantage of combining the two inventions provide control of the vehicle in a inoperable or problem situation with the use of control characteristics present in the system.

Regarding Claims 11. Omura teaches a steering characteristic unit containing at the steering characteristic selecting means in conjunction to a current instruction portion for computing current instruction value through serial communications (section [0032-0034]; section [0079] – section [0082]).

It would have been obvious to one of ordinary skill in the art at the time of invention to use Omura's a device and method for varying control gain of an controller for a vehicle with Takashashi's anti-skid control device. The advantage of combining the two inventions provide control of the vehicle in a inoperable or problem situation with the use of control characteristics present in the system.

Regarding Claim 12. Omura teaches in conjunction with the steering characteristics, an input/output characteristic and vehicle velocity response characteristic (section [0032-0034]; section [0079] – section [0082]).

It would have been obvious to one of ordinary skill in the art at the time of invention to use Omura's a device and method for varying control gain of an controller for a vehicle with Takashashi's anti-skid control device. The advantage of combining the two inventions provide control of the vehicle in a inoperable or problem situation with the use of control characteristics present in the system.

Regarding Claims 13 and 19. Omura discloses a graphical user interface for the system (Figure 1 item 24).

It would have been obvious to one of ordinary skill in the art at the time of invention to use Omura's a device and method for varying control gain of an controller for a vehicle with Takashashi's anti-skid control device. The advantage of combining the two inventions provide control of the vehicle in a inoperable or problem situation with the use of control characteristics present in the system.

### **Response to Arguments**

3. Applicant's arguments with respect to claims 7, 10-13 and 15-19 have been considered but are moot in view of the new ground(s) of rejection.
4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed

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within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tyrone W. Smith whose telephone number is 571-272-2075. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin, can be reached on 571-272-2800 ext. 37. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tyrone Smith  
Patent Examiner

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MARLON T. FLETCHER  
PRIMARY EXAMINER